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Release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts

Report of the Secretary-General

Summary

The present report has been prepared in response to the request contained in resolution 60/1 of the Commission on the Status of Women on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts. It includes information from Member States and provides an update on attention given to issues relating to the topic in intergovernmental processes.

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I. Introduction

1. At its sixtieth session, in 2016, the Commission on the Status of Women adopted its resolution 60/1 on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts. Recalling its previous resolutions on the topic, as well as related provisions in international legal instruments and normative frameworks, the Commission continued to express its grave concern at the continuation of armed conflicts in many regions throughout the world and at the human suffering and humanitarian emergencies that they caused. The Commission noted the particular impact of trafficking in persons in situations of armed conflict on women and children; continued to note, with serious concern, the threats posed by transnational organized crime, and its increasing links with terrorism; and condemned kidnapping and hostage-taking committed for any purpose, including to raise funds or gain political concessions. The Commission recognized that, to bring such practices to an end, the international community must undertake resolute, firm and concrete efforts in accordance with international human rights standards.

2. In resolution 60/1, the Commission requested the Secretary-General to report to the Commission at its sixty-second session on the implementation of the resolution, including relevant recommendations, taking into account the information provided by States and relevant international organizations. The present report has been prepared in response to that request. It includes information from five Member States and provides an update on attention given to issues relating to the topic in intergovernmental processes.

II. Information from Member States

3. The Governments of Azerbaijan, Peru, the Philippines, Ukraine and the Sudan provided information regarding the implementation of resolution 60/1.

4. Azerbaijan, a co-sponsor of resolution 60/1, expressed its strong commitment to the resolution and noted efforts taken by the State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons to clarify the fates of all citizens registered missing, including women and children. Azerbaijan detailed the essential role of the International Committee of the Red Cross in supporting parties to conflict in clarifying the fates of missing persons and further emphasized that the problem of missing persons should remain a priority for the United Nations and all relevant human rights mechanisms and procedures.

5. Peru, the Philippines, Ukraine and the Sudan reported on their adherence to international legal instruments and normative frameworks, including their follow-up to observations and recommendations of treaty-based bodies. The Philippines and Ukraine highlighted their respective national action plans on women and peace and security. The Philippines also described actions to implement gender-responsive programmes, projects and activities, including in response to the crisis in the city of Marawi.

6. In addition, the Sudan noted efforts to strengthen institutional, legal and procedural frameworks in line with resolution 60/1, through specialized mechanisms for the prevention of violence against women and children and the promulgation of laws consistent with regional and international treaties and conventions ratified by the Sudan. Ukraine outlined legal and other measures taken to combat trafficking in persons; expressed concern over violations of international humanitarian and human rights law linked to the conflict in Ukraine; and described efforts to determine the fates of persons illegally deprived of their liberty, including women held hostage, or who were missing.

III. Attention given to issues relating to the topic in human rights bodies and intergovernmental processes

7. Since the issuance of previous report of the Secretary-General to the Commission (E/CN.6/2016/7), the Human Rights Council, the General Assembly and the Security Council have continued to receive information on and consider a range of issues relating to the topic, including terrorist hostage-taking and abduction by extremist groups; enforced disappearances and missing persons; piracy and armed robbery at sea; abduction and forced recruitment of children in armed conflict; and trafficking in persons for the purposes of sexual violence and exploitation and the raising of revenues for terrorist and criminal groups. Bodies such as the General Assembly and the Security Council have also directly received letters from Member States regarding concerns related to hostage-taking.

8. As at mid-November 2017, 49 States had signed and 58 States had ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance. As part of its "Stand up for someone's rights" campaign, the Office of the United Nations High Commissioner for Human Rights has continued to advocate for doubling the number of ratifications by 2020 to achieve the original goal of 112 ratifications.

9. The Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances have continued to analyse gender-specific vulnerabilities of women, young women and girls, as well as men and boys, and to document the impacts of disappearances on all categories of individuals. Each body has documented ongoing trends, such as increased attention to the linkages between migration and enforced disappearances; reports of "short-term" disappearances, in particular in the context of counter-terrorism efforts; and ongoing reprisals against the families and relatives of disappeared or missing persons.[1] Since its inception, the Working Group has transmitted a total of 56,363 cases to 112 States, 45,120 of which remain under active consideration in 91 States. From 19 May 2016 to 17 May 2017, 130 cases were clarified. The general comment on women affected by enforced disappearance adopted by the Working Group in 2012 at its ninety-eighth session continues to be a relevant tool to document and contextualize the impact of enforced displacement on women and to guide the analysis and reporting of human rights bodies (A/HRC/WGEID/98/2).

10. Recognition of the full range of harms experienced by women and girls as victims of enforced disappearance, as relatives of those disappeared or as any other person suffering harm as a result of enforced disappearance remains an essential component of the analysis conducted by the Committee on Enforced and Involuntary Disappearances in its review of Member States' reports, and of its comments and concluding observations. Deeply embedded aspects of history, tradition, religion and culture continue to shape the distinct gender roles of women and girls, and, in turn, shape the harms and violations against them that are reported to the Committee.

11. The Committee has therefore continued to advocate both gender- and child-sensitive assessments of and responses to enforced disappearances, including all related, simultaneous and subsequent harms. For example, in the concluding observations on the report submitted by Colombia under article 29 (1) of the Convention, the Committee highlighted the distinct experiences of women relatives

[1] Press release on the joint statement of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22270&LangID=E.

of disappeared persons (CED/C/COL/CO/1). It noted that women are particularly vulnerable in that context to social and economic disadvantages, as well as to violence, persecution and reprisal as a result of efforts to locate their loved ones. With respect to children, the Committee noted both similar and distinct vulnerabilities, specifically highlighting their vulnerability to identity theft.

12. Continued hostage-taking in situations of armed conflict and the distinct vulnerabilities of and violations against women and children in that context have also been referred to in the mandates of fact finding missions[2] and reports of commissions of inquiry submitted to the Human Rights Council, including hostage-taking linked to terrorism, the kidnapping of migrants and politically motivated kidnappings. For example, the most recent report of the Independent International Commission of Inquiry on the Syrian Arab Republic documented ongoing patterns of attacks against civilians, many of whom were women and children belonging to minority religious groups (A/HRC/36/55). The report detailed, for example, the outcome of the "Four Towns" agreement, which resulted in the release of 1,500 detainees, primarily women, by government forces.[3] The report further described the experiences of men, women and children detained as hostages by armed groups, documenting denials of food and medical care, torture, forced labour and other fundamental human rights violations. According to a report of the Independent International Commission submitted to the Human Rights Council in June 2016, over 3,200 Yazidi women and children were still being held by Islamic State in Iraq and the Levant in the Syrian Arab Republic, with Yazidi women experiencing sexual enslavement and thousands of Yazidi men and boys missing.[4]

13. The report of the Commission of Inquiry on Burundi also documented arbitrary detentions and extrajudicial killings that have been carried out since 2015 by the National Intelligence Service, the police, the army and the ruling party's youth league, commonly known as the Imbonerakure (A/HRC/36/54 and A/HRC/36/54/Corr.1). The Commission reported the increased incidence of sexual violence and rape of women when police officers or members of the Imbonerakure, sometimes operating jointly, arrested the victims' spouses or male relatives accused of belonging to an opposition party. Similarly, the Human Rights Council also received the report of the Commission on Human Rights in South Sudan, which documented disappearances and the deliberate and systematic targeting of individuals for killing, arbitrary arrest and detention, sexual violence, sexual slavery or forced marriage (A/HRC/34/63).

14. The report of the Secretary-General' on missing persons, issued pursuant to General Assembly resolution 69/184, also included information on measures to clarify the fates and whereabouts of missing persons, including women and children. It articulated the need to take into account the distinct vulnerabilities of women, children, migrants, refugees, internally displaced persons and other groups, and noted that gender and child-sensitive and rights-based measures to address missing persons needed to be participatory and multidisciplinary (A/71/299 and A/71/299/Corr.1).

15. As detailed in the most recent report of the Secretary-General on women and peace and security (S/2017/861), there have been important innovations in the work of the Security Council that contribute to the enhanced monitoring of progress in the implementation of the women and peace and security agenda and related issues.[5]

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[2] See, for example, Human Rights Council resolution 34/22.

[3] See A/HRC/36/55, annex III, para.5; and A/HRC/30/48, paras. 54–55.

[4] A/HRC/32/CRP.2 (advanced version, English only). Available from www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Pages/ListReports.aspx.

[5] As of November 2017, the Security Council had adopted a total of eight thematic resolutions on this issue, namely resolutions1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) and 2242 (2015).

Notably, in follow-up to its resolution 2242 (2015), the Council now convenes meetings of relevant experts as part of an informal group of experts on women and peace and security to facilitate a more systematic approach to its work in this area. Women's civil society representatives have increasingly been invited to brief the Council at both thematic and country-specific meetings. Such good practices have diversified the voices and perspectives and contributed to the analysis of needs, priorities and solutions in the Council's deliberations.

16. The Security Council has increasingly voiced concern about kidnappings and hostage-taking committed by terrorist groups. It has also condemned the use by terrorist and violent extremist groups of sexual and gender-based violence, including human trafficking, sexual slavery, forced marriage and forced pregnancy, to terrorize communities and generate revenue. The Council addressed the role of human trafficking in exacerbating conflict and fostering insecurity in its resolution 2331 (2016), as did the Secretary-General at an open debate on trafficking in persons in conflict situations held in November 2017. As evidenced by the recent revelations surrounding the trade in enslaved migrants in Libya, the prevention of such violations requires not only increased humanitarian aid for the protection and support of migrants, but also the restoration of legal pathways and opportunities for regular migration, in line with international human rights law on the resettlement of refugees.

17. The Secretary-General has expressed his commitment to ensuring the increased visibility and promotion of the women and peace and security agenda at every opportunity. In July 2017, the Deputy Secretary-General led a joint United Nations-African Union high-level mission to the Democratic Republic of the Congo and Nigeria — the first-ever mission of its kind to focus on women, peace, security and development. In her briefing to the Security Council, the Deputy Secretary-General raised specific concerns linked to the abduction of women and girls, the forced recruitment of children and the lack of adequate support for victims.[8]

18. Beyond the mechanisms and procedures referenced above, intergovernmental bodies have continued to receive information on the taking of women and girl as hostages and on the kidnapping, abduction and enforced disappearance of women and girls through reports of and briefings by Special Representatives of the Secretary-General. For example, the Special Representative of the Secretary-General for Children and Armed Conflict has continued to update lists of Member States and parties to armed conflict that engage in the recruitment and use of children in armed conflict, among other violations of international law. The most recent report of the Secretary-General on children and armed conflict included details regarding such violations and the impact that increasing disrespect for international law has on girls (A/72/361-S/2017/821).

19. Finally, the Special Representative of the Secretary-General on Sexual Violence in Conflict has also remained seized of issues related to resolution 60/1. The latest report on conflict-related sexual violence brought attention to 19 situations of concern and included an updated list of 46 parties to conflict that are credibly suspected of having committed or instigated patterns of rape and other forms of sexual violence in situations of armed conflict (S/2017/249). The report included information regarding the abduction of women and girls in a number of settings and called for particular attention to women and children who have been released from situations of abduction, forced marriage, sexual slavery and trafficking by armed groups.

[8] Statement available from www.un.org/sg/en/content/dsg/statement/2017-08-10/deputy-secretary-generals-remarks-security-council-recent-visit.

IV. Observations and recommendations

20. **As described in the present report, abductions, enforced disappearances and kidnappings of women and children by terrorist groups and governmental authorities have continued to receive attention from intergovernmental bodies, including the Human Rights Council, the General Assembly and the Security Council. Both country-specific and thematic reports to those bodies have increasingly detailed women's and girls' experiences of such violations. Resolutions, statements and other outcome documents have continued to reflect the gravity of such crimes and emphasized the need for comprehensive victim-centred support and services. Member States have the obligation to ensure the existence of an enabling environment for the implementation of global commitments and normative frameworks; working with stakeholders and partners will be essential to that task. The promotion and protection of and respect for international human rights and humanitarian law will be central to the full implementation of commitments made pursuant to resolution 60/1 and related legal instruments and normative frameworks.**

21. **Human rights treaty bodies and the Special Representatives of the Secretary-General have developed stronger and more effective pathways for reporting on and drawing attention to issues surrounding the release of women and children hostages. That may explain, in part, the low response rate of Member States in relation to the present report. The Commission on the Status of Women may wish to consider referring the discussion of these issues to the General Assembly, the Security Council and the Human Rights Council and make an explicit call before those bodies for systematic reporting on gender-specific concerns in related reports.**